



2-27-04

Image

\$ RCE 1617

PTO/SB/30 (09-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Request For Continued Examination (RCE) Transmittal Address to: MS RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/058,589
	Filing Date	April 10, 1998
	First Named Inventor	Orla M. Conneely
	Art Unit	1617
	Examiner Name	S. Wang
	Attorney Docket No.	HO-P02681US1

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/Declaration(s)

iv. ☐ Other _____

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. _____

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☒ Check in the amount of \$ 440.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Melissa W. Acosta	Registration No. (Attorney/Agent)	45,872
Signature		Date	February 26, 2004

Request for Continued Examination Transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. ER509326913US, in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: February 26, 2004

Signature: (Staci Harris)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. ER509326913US, in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: February 26, 2004

Signature:

Staci Harris
(Staci Harris)

Docket No.: HO-P02681US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Orla M. Conneely et al.

Application No.: 09/058,589

Art Unit: 1617

Filed: April 10, 1998

Examiner: S. Wang

For: LACTOFERRIN AS REGULATOR OF
ALLERGEN-INDUCED TUMOR NECROSIS
FACTOR-ALPHA PRODUCTION AND
THERAPEUTIC APPLICATIONS

RCE AMENDMENT (37 C.F.R. SECTION 1.114)

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Advisory Action dated January 22, 2004, please amend the above-identified U.S. patent application as follows:

Interview Summary begins on page 2 of this paper.

Amendments to the Claims are reflected on page 3.

Remarks/Arguments begin on page 4 of this paper.

INTERVIEW SUMMARY

On February 13, 2004, the representative for the Applicants, Melissa Acosta conducted a telephonic interview with Examiner Wang. The claims and all the prior art was discussed. During the interview, Applicants discussed amending the independent claims to reflect the term of "consisting essentially of" instead of the term "comprising". Further, Applicants discussed that they believed the key reference in the obviousness rejection was Morinaga Milk Inc. and that the present amendment would overcome this reference, and thus, obviate the obviousness rejection. The Examiner agreed that this amendment would significantly weaken the obviousness rejection in view of Morinaga Milk Inc.